

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JAIDRO ROQUE,
Plaintiff

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CIVIL ACTION NO.1:14-CV-00621

NEW 888 RESTAURANT, L.L.C.
(d/b/a 888 PAN ASIAN RESTAURANT),
KEVIN LE, AND LIEN TRAN,
Defendants

DEFENDANTS' JOINT NOTICE OF REMOVAL
TO UNITED STATES DISTRICT COURT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT OF THE
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

1. Defendants New 888 Restaurant, L.L.C. d/b/a 888 Pan Asian Restaurant, Kevin Le and Lien Tran file this Joint Notice of Removal under 28 U.S.C. 28 U.S.C. § 1441 and § 1446. Defendants were all first served in a suit brought in Travis County Court at Law #2, bearing the same above style in Cause Number C-1-CV-14-005346. This is a case over which the United States has original jurisdiction pursuant to 28 U.S.C. §1332 (a)(1).

2. The action was commenced against Defendants New 888 Restaurant, L.L.C. d/b/a 888 Pan Asian Restaurant, Kevin Le and Lien Tran after Plaintiff filed the above captioned suit in Travis County Court at Law on or about June 12, 2014. Thereafter all of the Defendants were served and first had notice of the above captioned suit on or after June 16, 2014. Therefore,

this notice of removal is filed timely pursuant to 28 U.S.C. § 1446(b).

3. Plaintiff alleges violations of the Fair Labor Standards Act as per 29 U.S.C. § 201.

4. Removal is therefore property because this suit involves federal – question jurisdiction pursuant to 28 U.S.C. § 1441 & 28 U.S.C. § 1331.

5. This court has original jurisdiction over Plaintiff’s FLSA claims under 28 U.S.C. § 1331 at the very least because these claims arises under federal law.

6. This court also has supplemental jurisdiction over Plaintiff’s state law claims as per 28 U.S.C. § 1367(a). Moreover, the state claims may also be removed in conjunction with the federal claims as per 28 U.S.C. § 1441(c).

7. Venue is proper in this district under 28 U.S.C. § 1441 (a) because this district and this division involve the place in which the removed action has been pending.

8. Defendants New 888 Restaurant, L.L.C. d/b/a 888 Pan Asian Restaurant, Kevin Le and Lien Tran have provided written notice of the filing of this notice to all adverse parties in this action and are filing a copy of this notice of removal with the clerk of the state court where this action is pending pursuant to 28 U.S.C. § 1446 (d).

9. No jury demand was made in the State Court action.

10. Pursuant to the Local Rules for the United States District Court for the Western District of Texas, the following documents are attached to this notice:

A. Pleadings asserting causes of action and all answers to said pleadings, including Plaintiff’s Original Petition [Exhibit “A”].

B. All executed citations [Exhibit “B”].

- C. No orders have been signed by the State Court Judge.
- D. A copy of the docket sheet from the Travis County Court of Travis County, Texas [Exhibit “C”].
- E. An index of matters being filed [Exhibit “D”]; and
- F. A list of all counsel of record in this matter [Exhibit “E”].

WHEREFORE, Defendants New 888 Restaurant, L.L.C. d/b/a 888 Pan Asian Restaurant, Kevin Le and Lien Tran, pray that this cause proceed in this Court as an action properly removed thereto.

Respectfully submitted,

By: /s/Brent A. Devere

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Attorney for Defendants

Kevin Le & Lien Tran

CERTIFICATE OF SERVICE

I certify that on July 7, 2014 a true and correct copy of Defendants' Joint Notice of Removal was served by facsimile transmission on the following parties:

Aaron Johnson

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/s/Brent A. Devere

Brent A. Devere

